



Dennis J. Duffin
Director

The Commonwealth of Massachusetts
Office of
Campaign & Political Finance

One Ashburton Place, Boston 02108
727-3352

AO-1985-15
September 30, 1985

Mr. Marc D. Draisen
21 Buchanan Road
Roslindale, MA 02131

Dear Mr. Draisen:

This is in response to your recent request for an advisory opinion relative to the application of G.L. c. 55, the campaign finance law to the following question. Specifically, you have inquired whether your employment with a private non-profit housing corporation would conflict with your ability to raise funds on behalf of your candidacy for a state public office. The specific facts, and appropriate answer are set forth below.

You state that a private, non-profit housing research corporation has offered you a six month position to conduct research and write reports in the housing field. The position will be part-time to start, becoming full-time after the first few months. You further state that the corporation anticipates receiving a contract to conduct research from the City of Boston and the Boston Redevelopment Authority. Proceeds from this contract will be used to pay you, other staff of the corporation, other temporary consultants, and to cover overhead expenses. No contractual relationship will exist between you and the City of Boston or the Boston Redevelopment Authority. In mid-August, a political committee was established on behalf of your candidacy for public office in the Commonwealth. You wish to know whether your employment, as described above, would conflict with your ability to raise funds for your political campaign.

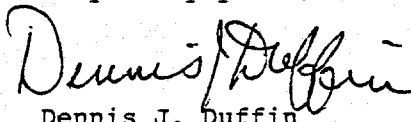
Section thirteen of Chapter fifty-five provides in relevant part that "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever..." The issue before us, is whether, given the particular circumstances of your employment, you are an individual subject to the provisions of section thirteen. Based on representations by you in your letter and in conversation, it appears that your work will be supervised by, and your salary received from the corporation. The fact that the corporation which employs

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you may be the recipient of funds from the City of Boston or the Boston Redevelopment Authority does not, in itself, indicate that you are employed by those entities. Rather, in my opinion, the particular facts and circumstances of your anticipated employment compels the conclusion that you are not a "person employed for compensation by the commonwealth or any county, city or town." Therefore, your employment with this private, non-profit housing research corporation would not restrict your fundraising activities relative to your political campaign. It is possible that your future employer is or will be the recipient of federal funds. If so, you may wish to consult the appropriate federal agencies to determine if any federal law, such as the Hatch Political Activity Act, would apply to your activities.

This opinion has been based on representations made by you. The conclusion may not apply if the circumstances of your employment are different than those described herein.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis J. Duffin". The signature is written in a cursive, flowing style with some loops and flourishes.

Dennis J. Duffin
Director

DJD/rep